

Driver Licensing And Identification Card Issuance ACTION/ISSUE STATEMENT

POL-7

DMVJ3D

Short Description:

ACCEPTING NOTIFICATION FROM LOCAL, STATE AND FEDERAL GOVERNMENT AGENCIES THAT A DOCUMENT HOLDER IS NOT LAWFULLY IN THE U.S.

Decision Issue:

If DMV receives notification from a local, state or federal government agency that an individual is neither a citizen nor in the US legally, DMV is required by Virginia code to require proof of legal presence if the individual applies to renew or for a duplicate or reissued driver's license.

What type of notification from local, state and federal government agencies will trigger DMV to require an applicant for a duplicate, renewal or reissued document to prove legal presence? What action will DMV take as a result of this notification

Impact and Challenges:

Although the statutory requirement will impact driver's license holders who are neither citizens of, nor legally in, the United States, the manner in which the requirement is intended to be implemented will ensure that DMV only acts upon reliable information. The individuals affected by this requirement will not suffer cancellation of any valid driver's license in their possession, but will be required to prove legal presence in order to obtain a renewal, reissued or duplicate document.

By implementing minimum requirements for notifications, it is likely that DMV will receive reliable information and will not need to conduct its own investigations to validate information received. DMV will likely incur costs for staffing, equipment, and office space to implement and administer this new requirement. However, due to a lack of historical data, the number of notifications that the agency will receive and the corresponding expenditures cannot be accurately estimated at this time. No positions for this function will be designated at the outset of implementation, but as the agency gains additional experience, DMV may need to create or allocate one or more positions to administer this requirement.

DMV Recommended Decision:

Notifications that a document holder is not lawfully present in the U.S. must be on original letterhead from the initiating agency, signed by a management level employee, and include the name and phone number of the person who can address any additional issues regarding the notification.

Notifications must contain substantial personal information about the individual (e.g. full name, SSN, customer number, address, date of birth), such that the individual's DMV customer record is easily identifiable.

Notifications advising DMV that an individual is not lawfully present in the U.S. will be verified with the Bureau of Citizenship and Immigration Services before DMV takes any action.

Notifications and the resulting verifications will be maintained in hard-copy files in a central repository for future reference.

In addition, a stop will be placed on the individual's automated DMV customer record which will prevent issuance of any further licenses, permits, or ID cards until the applicant provides proof of legal presence

DMV Commissioner's Signature

Date

Panel Recommended Decision:

The panel agreed with the recommendations, with the following changes:

Notifications that a document holder is not lawfully present in the U.S. must be on original letterhead from the initiating agency, signed by a management level employee, and include the name and phone number of the person who can address any additional issues regarding the notification.

Notifications must contain substantial sufficient personal information about the individual (e.g. full name, SSN, customer number, address, date of birth), such that the individual's DMV customer record is easily identifiable.

All notifications advising DMV that an individual is not lawfully present in the U.S. will be verified by letter by the Bureau of Citizenship and Immigration Services on original letterhead and signed by a management level employee before DMV takes any action. BCIS will also include the name and phone number of the person who can address any additional issues regarding the document holder.

Notifications and the resulting verifications will be maintained in hard-copy files in a central repository for future reference.

In addition, a stop will be placed on the individual's automated DMV customer record which will prevent issuance of any further licenses, permits, or ID cards until the applicant provides proof of legal presence

Panel's Signature

Date

Secretary's Recommended Decision:

Secretary's Signature

Date

Governor's Recommended Decision:

Governor's Signature

Date